UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/524,693	03/14/2000	Junichiro Yamada	044499/0108	8885

22428	7590	11/18/2003

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EXAMINER
CHAWAN, SHEELA C

ART UNIT	PAPER NUMBER
2625	

DATE MAILED: 11/18/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _28 July 2003_.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-10_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-10_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _14 March 2000_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☒ All b)☐ Some * c)☐ None of:

   1. ☒ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

   a) ☐ The translation of the foreign language provisional application has been received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

4) ☐ Interview Summary (PTO-413) Paper No(s). _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   Applicant's arguments filed on July 28, 2003 (paper # 9/B) have been

fully considered but they are not deemed to be persuasive.

Continued Examination Under 37 CFR 1.114

2.   A request for continued examination under 37 CFR 1.114, including the

fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection.

Since this application is eligible for continued examination under 37 CFR 1.114,

and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the

previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 7/28/03 (Paper No. 9/B) has been entered.

Remarks

3.   Applicant's arguments filed with the amendment have been studied

carefully. A careful study of the reference Piosenka et al. reveals that he clearly

provides the function of the peripheral controller (fig 1, interface elements 21-23

provide a function of a peripheral controller by controlling the elements 13-15, the

living body characteristic detectors such as retinal scanner, finger print reader

and voice print processor, as claimed in the invention. Applicant also argues

about the encryption algorithm is never been stored on the portable storage

media . Piosenka does teach this limitation "encryption algorithm is never been

stored on the portable storage " , see column 2, lines 61- 68, column 3, lines 1-8

clearly shows that the identification system which generates encrypted

physically immutable identification credentials of a user are stored on the

portable memory device . Figure 1, item 1 the computer collected the physical

trait data and other identification information . The composite data is transmitted

from computer 1 to encryption apparatus 30 which performs algorithm to

produce encrypted identification credentials of the user and these credentials are

being stored on the portable memory device . However, applicant is reminded that the claim language is given its broadest reasonable interpretation and applicant cannot rely upon the features from the specification brought out in the claims because the specification is not the measure of the invention but claims are Therefore, a new rejection is a follow.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10 are rejected under 35 U.S.C.102 (b) as being anticipated by Piosenka et al. (Listed in the IDS paper No. 4, (US.4, 993,068).

As per claims 1 and 8, Piosenka teaches a personal identification device for executing personal identification by employing living body characteristics of a user (living body characteristics of a user is considered to be called as Bio data or biometric data fig 1, such as facial photograph or retinal pattern or fingerprint or voice patterns, column 3, lines 45- 59, column 4, lines 45- 68, column 5, lines 1-27):

identification condition data specifying, at least one living body characteristic stored in a portable storage media carried by the user for the personal identification (identification condition data that specifies living body

characteristic herein after is referred to bio data, abstract, column 2, lines 61- 66,

column 8, lines 33-68);

a living body characteristic detector (fig 1, item 10) for detecting from the

user the living body characteristic data corresponding to the identification

condition data read by said identification condition data reader (column 2, lines

61- 68, column 3, lines 1-8);

a peripheral controller to control the living body characteristic detector (at

least in figure 1, interface elements 21-23 provide a function of a peripheral

controller by controlling the elements 13-15, the living body characteristic

detectors such as retinal scanner, finger print reader and voice print processor;

an identifier for performing personal identification (column 3, lines 1-8, fig

1, 11- 15) by comparing the living body characteristic data detected by the living

body characteristic detector with living body characteristic data of users

previously obtained (column 3, lines 44- 48, column 4, lines 45- 68, column 5,

lines 1-19).

As per claims 2 and 5, teaches Piosenka teaches a personal identification

device in which said portable storage media stores therein an identification

algorithm for personal identification employing said detected living body

characteristic together with said living body characteristic data, and said identifier

performs said personal identification by transferring said living body characteristic

data detected from the user by said living body characteristic detector to said

portable storage media (column 5, lines 52-64) .

As per claims 3 and 6, Piosenka teaches a personal identification device in which said portable storage media stores therein said living body characteristic data, said identification condition reader reads said living body characteristic data from said portable storage media together with said identification condition data, and said identifier performs said personal identification by comparing said living body characteristics detected from the user by said living body characteristic detector with said living body characteristic data read from said portable storage media (column 4, lines 61- 68, column 5, lines 1-27).

As per claim 4, claim 4 recites similar limitation as claim 1 above and similarly analyzed except for the step of a communicator for communicating with said central device as taught by Miyata (fig 313, column 4, lines 32- 68).

As per claim 7, Piosenka teaches a personal identification apparatus according to claim 4, in which said central device stores and manages said living body characteristic data for each user, revises said living body characteristic data for each user stored and managed by communication with each of said personal identification terminals, and controls identification results of users from said personal identification terminals (column 3, lines 34- 65, column 4, lines 1-16).

As per claim 8, Piosenka teaches a personal identification method comprising the steps of:

storing into said portable storage media an identification algorithm for personal identification employing said living body characteristics together with said living body characteristic data (column 5, lines 52-68); and

transferring the living body characteristic data detected from said user to

said portable storage media for personal identification (column 5, lines 52- 64).

As per claim 10, Piosenka teaches a personal identification method

comprising the steps of

storing said detected living characteristic data into said portable storage

media (column 2, lines 61- 68); and

comparing the living body characteristic data detected from said user with

said living body characteristic data read from said portable storage media

(column 2, lines 61- 68, column 3, lines 1 - 8, column 4, lines 55 - 68, column 5,

lines 1 - 19, column 8, lines 33- 68).

Contact Information

5.   Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Sheela C Chawan whose telephone number

is 703- 305- 4876. The examiner can normally be reached on Monday through

Thursday 7.30 a.m. to 6.00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Bhavesh Mehta, can be reached on (703) 308 - 5246.

The fax phone number for the organization where this application or proceeding

is assigned is 703- 872-9306.

Any inquiry of a general nature or relating to the status of this application

or proceeding should be directed to the receptionist whose telephone number is

703-305- 3800.

Sce
Sheela Chawan
Patent Examiner   Jayanti K. Patel
Group Art Unit 2625   Primary Examiner
November 12, 2003